

Planning and Zoning Commission Regular Meeting

January 11, 2006

1. CALL SESSION TO ORDER

The January 11, 2006 Regular called meeting of the Planning and Zoning Commission was held in the Council Chambers of the City Hall of Round Rock located at 221 East Main Street. With a quorum present, Chairman Al Kosik called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present for roll call were Chairman Al Kosik, Vice Chairman Peter Drapes, Commissioners Dale Austin, Russ Boles, Sandy Arnold, Betty Weeks, David Pavliska, Larry Quick, and Ray Thibodaux.

Also present were Jim Stendebach, Director of Planning, Susan Brennan, Principal Planner, Bernadette Hayes, Senior Planner, Shannon Burke, Senior Planner, Eric Langhout, Engineering and Development Services, Charlie Crossfield, Sheets & Crossfield, and Amy Swaim, Administrative Technician.

3. APPROVAL OF THE DECEMBER 7, 2005 REGULAR MEETING MINUTES AND THE DECEMBER 14, 2005 SPECIAL CALLED MEETING MINUTES

Motion: Motion by Commissioner Boles, second by Commissioner Thibodaux to approve the December 7, 2005 Regular Meeting minutes and the December 14, 2005 Special Called Meeting minutes as presented.

Vote: AYE: Commissioner Boles, Commissioner Thibodaux, Commissioner Pavliska, Commissioner Austin, Commissioner Arnold, Commissioner Weeks, Commissioner Quick, Vice Chairman Drapes, and Chairman Kosik. The vote was 9-0. The motion carried.

4. CONSENT AGENDA

4.A. Consider the Preliminary Plat of Settlers Overlook North, application no. 2005-029-PP.

Chairman Kosik asked for clarification regarding the number of proposed 50-FT wide lots.

Ms. Hayes indicated the proposed style of home will be similar to the rest of Settlers Overlook.

Chairman Kosik stated he was under the impression that Settlers Overlook contained larger lots.

Ms. Hayes indicated the homes to the south of this project are larger and are a different style of house. She stated the subject location is a continuation of the Settlers Overlook that is already in existence to the west.

Motion: Motion by Commissioner Arnold, second by Commissioner Boles to approve the Preliminary Plat for Settlers Overlook North.

Vote: AYE: Commissioner Arnold, Commissioner Boles, Commissioner Weeks, Commissioner Quick, Commissioner Pavliska, Commissioner Thibodaux, Commissioner Austin, Vice Chairman Drapes, Chairman Kosik. The vote was 9-0. The motion carried.

4.B. Consider the Revised Preliminary Plat of Behrens Ranch

Chairman Kosik asked for clarification regarding the inundation easement.

Brent Jones, P.E., the engineer for the developer, explained the inundation easement will be filled to the back property line so that no lots will be in the inundation easement. He stated as a result, the inundation easement is removed off the lot.

Mr. Stendebach indicated they would have to fill any lot they intend to sell. He stated he believes they will fill portions of the inundation easement and replace it by cuts at 125% to offset.

Chairman Kosik indicated he would like to see this information noted somewhere.

Ms. Hayes suggested adding the following note: All lots shown within the inundation easement shall be removed.

Motion: Motion by Commissioner Pavliska, second by Commissioner Boles to approve the Revised Preliminary Plat of Behrens Ranch Phase D Sections 3, 4, 5 and 6 as conditioned.

Vote: AYE: Commissioner Pavliska, Commissioner Boles, Commissioner Weeks, Commissioner Arnold, Commissioner Quick, Commissioner Austin, Commissioner Thibodaux, Vice Chairman Drapes, Chairman Kosik. The vote was 9-0. The motion carried.

4.C. Consider the Preliminary Plat of 620 Medical Center, application no. 2005-032-PP.

Motion: Motion by Commissioner Pavliska, second by Commissioner Austin to approve the Preliminary Plat of 620 Medical Center.

Vote: AYE: Commissioner Pavliska, Commissioner Austin, Commissioner Weeks, Commissioner Arnold, Commissioner Quick, Commissioner Thibodaux, Commissioner Boles, Vice Chairman Drapes, Chairman Kosik. The vote was 9-0. The motion carried.

4.D. Consider the Final Plat of Palm Valley Market Center, Section 2, application no. 2005-066-FP.

Ms. Hayes stated Staff recommends approval of this application with the following condition: (1) The 30-FT and 70-FT joint use access easement shall be recorded prior to or in tandem with the recommendation of the final plat.

Commissioner Quick asked what the access is to Lot 2.

Ms. Hayes stated although it is not within the boundaries of this plat, she believes the access to Lot 2 is FM 1460.

Commissioner Quick asked if the planning and zoning date located within the owner block should reflect today's date of January 11, 2006 as opposed to December 7, 2005.

Ms. Hayes replied yes.

Commissioner Pavliska asked if there are any other road proposals for this area that would impact traffic.

Mr. Stendebach stated there has been discussion regarding a north-south road north of Palm Valley Boulevard at the far-east side of this particular piece of property.

Motion: Motion by Commissioner Pavliska, second by Commissioner Thibodaux to approve the Final Plat of Palm Valley Market Center as conditioned.

Vote: AYE: Commissioner Pavliska, Commissioner Thibodaux, Commissioner Weeks, Commissioner Arnold, Commissioner Quick, Commissioner Boles, Commissioner Austin, Vice Chairman Drapes, Chairman Kosik. The vote was 9-0. The motion carried.

5. ADDITIONAL PLATS

5.A. Consider the Final Plat of Lot 1, Block A, Oakmont Centre Section Seven, application no. 2005-067-FP.

Ms. Hayes indicated the developer is proposing a two (2) lot replat for the purpose of selling the south lot to the City to use for a fire station. She stated Staff recommends approval with the following conditions: (1) the owner of the property will sign and notarize the plat prior to recordation; (2) remove the 15-FT wastewater line easement from the plat; and (3) provided that the public utility companies do not require the 15-FT stated public utility easement (PUE), the

commissioners allowed the PUE to be removed and replaced with the standard 10-FT PUE note that is stated in note 5.

Commissioner Thibodaux asked if the name change to University Boulevard had been approved.

Mr. Stendebach replied no.

Motion: Motion by Commissioner Pavliska, second by Commissioner Austin to approve the final plat of Lot 1, Block A, Oakmont Centre, Section Seven with conditions.

Vote: AYE: Commissioner Pavliska, Commissioner Austin, Commissioner Thibodaux, Commissioner Quick, Commissioner Arnold, Commissioner Boles, Commissioner Weeks, Vice Chairman Drapes, Chairman Kosik. The vote was 9-0. The motion carried.

5.B. Consider the Preliminary Plat of Paloma Lake, application no. 2005-030-PP.

Ms. Hayes stated the developer is proposing a 1,843 single-family lot subdivision, which will be created as two Municipal Utility Districts (MUD). She indicated Staff recommends approval with the following conditions: (1) revise note 8 to add the word "not" after the word "shall"; (2) no final plat shall be submitted for review or approval from this subdivision until the utility schematics and associated plat have been revised to demonstrate to the satisfaction of the City Engineer that the application meets the requirements of the Design & Construction Standards.; and (3) the property owners or the homeowners association shall be responsible for the maintenance of all sidewalks which are located adjacent to the property lying outside of the Round Rock City Limits. Subdivision deed restrictions shall include this requirement.

Commissioner Quick addressed note 4, asking if Staff is comfortable with the word "or" and not specifying who is ultimately responsible.

Mr. Crossfield stated the wording is such because of the fact that the MUD does not yet exist.

Commissioner Thibodaux asked if the circle reflected on Catalina Way (Section 13) was a controlled circle.

Mr. Stendebach stated the street in question allows emergency access and turn-around.

Commissioner Thibodaux asked if Section 13 had only one way in and one way out.

Mr. Stendebach replied yes. He explained two ways in and out are required when there are 250 lots or more, and this section is within the acceptable range for one access in and one access out.

Chairman Kosik pointed out that this section violates the ordinance about maximum length of cul-de-sac; however, it is not located in the City limits. He asked if this would be a problem.

Mr. Stendebach stated it is part of the approval process. He indicated the Commission has the authority to waive the requirement if there are extenuating circumstances. A condition will be added to the approval stating that the existing cul-de-sac lengthen on Catalina Way has been approved.

Chairman Kosik asked for clarification regarding lot sizes.

Present on behalf of the applicant was Blake Magee. Mr. Magee stated they are proposing five (5) different products consisting of approximately 40% 55-FT lots and 60% 65-FT and 70-FT lots on the left side of the lake, and approximately 50% 53-FT lots and 50% 60-FT lots on the right side. He indicated they are required to meet the minimum 6500-SQFT, which they intend to do.

Chairman Kosik asked when CR 122 would be built.

Mr. Magee stated they have the right-of-way described, they have talked to the landowners, and they are ready to hire an appraiser. He indicated they are going to proceed with acquiring the right-of-way and will likely start construction before the end of the year.

Chairman Kosik asked if there were any plans to improve CR 110 in the near future.

Mr. Stendebach indicated it is part of the Arterial Roadway Plan, but there is not a specific date for improvement.

Further discussion included access for emergency vehicles, the abandonment of CR 117, and removing the discrepancy of line type in the floodplain. Another condition was added to adjust the discrepancy of line type that is depicting the floodplain.

Chairman Kosik asked for a report from the Transportation Department by the next meeting regarding the issue of the abandonment of CR 117.

Mr. Stendebach stated a report would be available by the next meeting.

Motion: Motion by Commissioner Pavliska, second by Commissioner Quick to approve as conditioned.

Vote: AYE: Commissioner Pavliska, Commissioner Quick, Commissioner Arnold, Commissioner Boles, Commissioner Weeks, Commissioner Austin, Commissioner Thibodaux, Vice Chairman Drapes, Chairman Kosik. The vote was 9-0. The motion carried.

6. TABLE ITEMS REQUIRING A PUBLIC HEARING

6.A. Consider public testimony regarding the application filed by Chandler Creek Investments, LTD., to amend the Land Use Plan of the Meadows of Chandler Creek Municipal Utility District for 3.184 acres of land out of the P.A. Holder Survey, Abstract No. 297, Williamson County, Texas, from a multi-family designation to local commercial or office designation, application 2005-035-Z.

Chairman Kosik indicated the applicant has requested to table this item. He stated a public hearing is still in order. Chairman Kosik opened the public hearing. Seeing no one, the public hearing was closed.

Motion: Motion by Commissioner Weeks, second by Commissioner Arnold to postpone the public hearing until the February 15, 2006 meeting.

Vote: AYE: Commissioner Weeks, Commissioner Arnold, Commissioner Boles, Commissioner Austin, Commissioner Thibodaux, Commissioner Pavliska, Vice Chairman Drapes, Chairman Kosik. The vote was 9-0. The motion carried.

6.B. Consider a recommendation to amend the Land Use Plan for 3.184 acres of land to local commercial or office designation, application no. 2005-035-Z.

Motion: Motion by Commissioner Weeks, second by Commissioner Arnold to table the item until the February 15, 2006 meeting.

Vote: AYE: Commissioner Weeks, Commissioner Arnold, Commissioner Boles, Commissioner Austin, Commissioner Thibodaux, Commissioner Pavliska, Vice Chairman Drapes, Chairman Kosik. The vote was 9-0. The motion carried.

6.C. Consider public testimony regarding the application filed by Quail Creek Cottages, LTD., to amend the Land Use Plan for the meadows of Chandler Creek Municipal Utility District for 2.1682 acres of land out of the P.A. Holder Survey, Abstract No. 291, Williamson County, Texas, from a multi-family designation to local commercial or office or senior residential designation, application no. 2005-036-Z.

Chairman Kosik indicated the applicant has requested to table this item. He stated a public hearing is still in order. Chairman Kosik opened the public hearing. Seeing no one, the public hearing was closed.

Motion: Motion by Commissioner Weeks, second by Commissioner Pavliska to postpone the public hearing until the February 15, 2006 meeting.

Vote: AYE: Commissioner Weeks, Commissioner Arnold, Commissioner Boles, Commissioner Austin, Commissioner Thibodaux, Commissioner Pavliska, Vice Chairman Drapes, Chairman Kosik. The vote was 9-0. The motion carried.

6.D. Consider a recommendation to amend the Land Use Plan for 2.1682 acres of land to local commercial or office or senior residential designation, application no. 2005-036-Z.

Motion: Motion by Commissioner Weeks, second by Commissioner Thibodaux to table the item until the February 15, 2006 meeting.

Vote: AYE: Commissioner Weeks, Commissioner Arnold, Commissioner Boles, Commissioner Austin, Commissioner Thibodaux, Commissioner Pavliska, Vice Chairman Drapes, Chairman Kosik. The vote was 9-0. The motion carried.

7. WITHDRAWN ITEMS

7.A. Consider the Final Plat of Oakmont Crossing Section 1, Replat of Lot 2, Block B, Section 3, application no. 2005-064-FP.

Chairman Kosik stated this item has been withdrawn and requires no action from the Commission.

8. ZONING AND PLATTING: PUBLIC HEARING/DISPOSITION

8.A. Consider public testimony regarding the application filed by Pulte Homes, to zone 1.79 acres of land, more or less, out of the P.A. Holder Survey, Abstract No. 297, in Williamson County, Texas, to OF (Office) District, application no. 2005-037-Z.

Mr. Burke explained this 2-acre tract is located at the northwest corner of Gattis School Road and Rusk Road. He stated the applicant is requesting OF (Office) zoning. Mr. Burke indicated Staff recommends approval of the request as a use that is both appropriate for Gattis School Road and compatible with the nearby residences.

Representing the applicant was Rodney Bennett of Pulte Homes. Mr. Bennett stated the primary tenant of the two proposed office buildings would be medical and professional offices.

Chairman Kosik opened the public hearing. Seeing no one, the public hearing was closed.

8.B. Consider a recommendation to zone 1.79 acres of land to OF (Office) District, application no. 2005-00037-Z.

Commissioner Boles asked if two-story structures could be built in this area.

Mr. Burke stated the zoning ordinance currently limits office to one-story. He pointed out that a few agenda items later is a proposal to allow two-stories with an additional setback.

Commissioner Boles asked what the setback would be.

Mr. Burke stated currently, if adjacent to a single-family residential use, the setback for office is 50-FT. He indicated if they go to two-story, the setback would be 100-FT.

Commissioner Boles asked the applicant if the proposed structures would be one or two-story.

Mr. Bennett replied one-story.

Motion: Motion by Commissioner Boles, second by Vice Chairman Drapes to approve a recommendation to zone 1.79 acres of land to OF (Office) District.

Vote: AYE: Commissioner Weeks, Commissioner Arnold, Commissioner Boles, Commissioner Austin, Commissioner Thibodaux, Commissioner Pavliska, Vice Chairman Drapes, Chairman Kosik. The vote was 9-0. The motion carried.

8.C. Consider public testimony regarding the application filed by Harden Healthcare, to zone 5.785 acres of land, more or less, out of the J.M. Harrell Survey, Abstract No. 284, Williamson County, Texas, to SR (Senior) District and 3.590 acres of land, more or less, out of the J.M. Harrell Survey, Abstract No. 284, Williamson County, Texas, to OF (Office) District, application no. 2005-024-Z.

Commissioner Boles indicated he would abstain from this vote.

Mr. Burke stated this 9-acre tract is located at the northwest corner of Wyoming Springs Road and Park Valley Drive. He indicated the applicant has requested SR (Senior) zoning for the western half of the property for an assisted living facility and an associated detention pond. Mr. Burke explained the remainder of the property is to be used for medical offices; therefore, the applicant has requested OF (Office) zoning for the eastern half of the tract. He stated Staff believes these uses will fit in well with the other medical uses in the area and recommends approval of the requested zoning.

Representing the applicant was Mark Fritz. Mr. Fritz stated he would answer any questions pertaining to this item.

Chairman Kosik opened the public hearing.

Kirby Hiscox, 2433 Cloud Peak Lane, stated he has concerns regarding the concept plan alone and will come forward during the public hearing for the concept plan.

Mark Layne, 2435 Cloud Peak Lane, asked if the location of the detention pond is part of the zoning or part of the concept plan.

Chairman Kosik stated it would be part of the concept plan.

Seeing no one else, Chairman Kosik closed the public hearing.

8.D. Consider a recommendation to zone 5.785 acres of land to SR (Senior) District and 3.590 acres of land to OF (Office) District, application no. 2005-024-Z.

Motion: Motion by Commissioner Austin, second by Commissioner Quick to approve a recommendation to zone 5.785 acres of land to SR (Senior) District and 3.590 acres of land to OF (Office).

Vote: AYE: Commissioner Weeks, Commissioner Arnold, Commissioner Austin, Commissioner Thibodaux, Commissioner Pavliska, Vice Chairman Drapes, Commissioner Quick, Chairman Kosik. ABSTAIN: Commissioner Boles. The vote was 8-0-1. The motion carried.

8.E. Consider public testimony regarding the application filed by Harden Healthcare, for the approval of the Trisun Park Subdivision Concept Plan, application no. 2005-008-CP.

Commissioner Boles indicated he would abstain from this vote.

Ms. Hayes stated the proposed concept plan meets the Concept Plan requirements; therefore, Staff recommends approval.

Chairman Kosik opened the public hearing.

Mr. Hiscox stated he has with him a letter from Minish Patel, owner of Lot 19, that addresses concerns such as easement space between the back property fence and the proposed construction; limiting the building height to single-story; and keeping all the trees behind the fence if possible. Mr. Hiscox indicated he and his neighbors have lived in this area since 1997 and his issues with the

proposed development deal with after-hours sirens, odor from dumpsters, adequate landscape buffers, screening along the park, and lighting.

Chairman Kosik stated the lighting requirements in the Ordinance prevent lighting spillover.

Mr. Hiscox asked if there was any intention of a 24-hour medical facility in this development.

Mr. Stendebach explained this use will operate under regular service hours not beginning before 7:00 a.m. nor extending past 9:00 p.m., and no emergency medical services are permitted.

Mr. Hiscox asked for clarification regarding fencing and landscaping requirements.

Chairman Kosik explained they would need a fence and the landscape buffer between the proposed development and single-family use.

Mr. Stendebach stated fencing and landscaping requirements are required under the Office district and the Senior district.

Mr. Hiscox asked if the developer would maintain the fence on his property, or would an additional fence be required.

Mr. Stendebach stated that issue should be discussed between the single-family neighbors and the developer.

Mr. Hiscox indicated he is also concerned with the depth of the detention pond for safety reasons.

Mr. Layne indicated he is concerned with proper drainage of the detention pond.

Mr. Eric Langhout with Public Works, stated detention ponds typically drain within 24 hours when properly maintained.

Mr. Stendebach indicated it is the responsibility of the property owner to maintain the detention pond.

Dr. Oscar Tamanez stated he is buying a corner lot in the proposed development and is very excited about the project.

Seeing no one else, Chairman Kosik closed the public hearing.

8.F. Consider a recommendation to approve the Trisun Park Subdivision Concept Plan, application no. 2005-008-CP.

Commissioner Pavliska suggested the developer meet with the single-family neighbors to discuss and resolve issues such as fencing and buffering.

Mr. Mark Fritz, the developer, stated they would be willing to replace the existing single-family fencing. About the detention pond, he indicated the depth to be between 12-FT and 15-FT. The applicant indicated they would meet with the single-family property owners to discuss concerns and issues.

Motion: Motion by Commissioner Austin, second by Commissioner Weeks to approve the Trisun Park Subdivision Concept Plan.

Vote: AYE: Commissioner Weeks, Commissioner Arnold, Commissioner Austin, Commissioner Thibodaux, Commissioner Pavliska, Commissioner Quick, Vice Chairman Drapes, Chairman Kosik. ABSTAIN: Commissioner Boles. The vote was 8-0-1. The motion carried.

8.G. Consider public testimony regarding the application filed by Chandler Creek Investments, LTD., to amend the Land Use Plan for the Meadows of Chandler Creek Municipal Utility District for 9.735 acres of land out of the P.A. Holder Survey, Abstract No. 297, Williamson County, Texas, from single-family designation to local commercial or office or senior residential or funeral home designation, application no. 2005-034-Z.

Commissioner Boles indicated he would abstain from this vote.

Mr. Burke stated this 9-acre tract is located northwest of FM 1460 and Bowman Road. He indicated Staff's recommendation is approval of the proposed change to Office, Senior Residential or Funeral Home land use designations; however, Staff recommends disapproval of the request to allow Local Commercial uses on the tract.

Both the owner, Mr. John Lewis and the agent, Mr. Jim Boles were present. Mr. Boles stated he does not like to oppose Staff because they are people who he highly respects; however, this development is not located within the City limits and not part of the City's General Plan. He indicated they have met with the MUD Board and have received their approval and support of the land use change. Mr. Boles stated they have also met with the neighborhood and have visited with members of the neighborhood who support the land use change to Local Commercial; however, the neighbors indicated they do not want town homes in the area. He indicated they believe there are enough homes in the area and support from the community to justify local commercial zoning. Mr. Boles stated there are actually only about 4.5 acres of usable land (as opposed to 9.735); with the remaining acreage being a detention pond, that is an easement. He indicated there is also an easement across the back of the homes that will exceed the required 50-FT setback from the residential units.

Chairman Kosik opened the public hearing.

Mark Charbonneau stated the intersection at Bowman and 1460 is heavily populated with traffic in the mornings. He indicated as a homeowner in the area, he believes the additional commercial uses would make it even more challenging for a safe commute. Mr. Charbonneau stated he would also be concerned with a funeral home being located in the area because of cremation services and the environmental impact to local homeowners. He indicated he would also like for the development to be harmonious with the area.

Mr. Lewis stated they are not trying to force something that is not compatible, and in fact, they are trying to develop something that will compliment the neighborhood with local retail that will serve just the immediate area. He indicated he does not know what he will ultimately do with the property, but normally, he builds small neighborhood developments. Mr. Lewis stated he built the development at 15th and San Antonio in Austin (Starbucks, Texadelphia, and Comet Cleaners) and the development at 38th and Guadalupe. He indicated neighbors from Chandler Creek

subdivision are excited about the proposed development. Mr. Lewis stated the highest and best use for this property is local retail that serves the immediate area.

Seeing no one else, Chairman Kosik closed the public hearing.

8.H. Consider a recommendation to amend the Land Use Plan for 9.375 acres of land to local commercial or office or senior residential or funeral home designation, application no. 2005-034-Z.

Commissioner Austin asked if the applicant has any documentation verifying the comments from the MUD Board and the Chandler Creek neighbors.

Mr. Boles stated there is a letter in the packet from the MUD Board supporting the proposal. He indicated they do not have a letter from the neighbors, but he can get their names. Mr. Boles stated they notified everyone within 300-FT of the proposed development.

Commissioner Austin asked if it would be possible for the applicant to get a letter from the Homeowner's Association.

Mr. Boles stated they could do that.

Commissioner Austin stated part of the issue with this item is the fact that it is open-ended at this point. He asked if there are uses that the applicant could ensure would be excluded from this development.

Mr. Boles stated the uses are limited. He indicated most of the uses allowed are for local use only. Mr. Boles explained there was no opposition to any of the uses suggested to the neighbors or the MUD Board. He stated the neighbors are also excited about the possibility of having a high-quality daycare located on the property on the east side of 1460, something they will be back with later.

Commissioner Arnold indicated she does not want to set the wrong precedent for the area.

Commissioner Thibodaux asked if there were any plans to put a light at East Bowman Road and 1460.

Mr. Stendebach stated a light would be installed at some point.

Mr. Burke indicated the issue tonight deals with how much commercial is appropriate for this area.

Commissioner Weeks stated she does not know if she likes the idea of a having a "hang-out" spot for the area high school kids. She indicated she believes the little bit of commercial already in place is enough.

Commissioner Austin stated the character of F.M.1460 has changed. He stated there is plenty of single-family in Round Rock and already commercial surrounding the subject property, so he is not sure that this area needs to be protected for single-family.

Mr. Lewis stated what the area needs is a dry cleaners or a place to go to get something to drink – it needs the small local services that the neighbors they talked to want. He indicated if the local commercial zoning were denied, he would have to build something not as good as, what he is proposing today. Mr. Lewis stated if it would make a difference, he would commit to one-story buildings for all designations in the proposed development.

Commissioner Weeks stated she believes the area has enough commercial development and does not need anymore.

Commissioner Quick indicated the total acreage in this area that might be commercial in four years could add up to 20 acres, which raises concerns regarding the character of the area; however, he stated that the construction of A.W. Grimes will bring people into the area who need the commercial services. He indicated he does not see an easy compromise about the development of this area.

Commissioner Thibodaux addressed the Randall's shopping center along Gattis School Road, noting this development would be no different and would provide services for the area residents. He stated one use he would be opposed to would be a convenience store.

Mr. Lewis adamantly indicated that he would not construct a gas station on the proposed development.

Mr. Stendebach suggested tabling the item until the next meeting. He stated by doing so, it would allow Staff and the developers the opportunity to meet and resolve some of the issues.

Chairman Kosik suggested the developers set limits on the intended uses in order to satisfy Staff and the Commission.

Mr. Lewis stated he has not intention of developing anything offensive to anyone, and he will be glad to limit the uses.

Motion: Motion by Vice Chairman Drapes, second by Commissioner Austin to table the item until the February 15, 2006 meeting.

Vote: AYE: Vice Chairman Drapes, Commissioner Austin, Commissioner Quick, Commissioner Weeks, Commissioner Arnold, Commissioner Pavliska, Commissioner Thibodaux, Chairman Kosik. ABSTAIN: Commissioner Boles. The vote was 8-0-1. The motion carried.

8.I. Consider public testimony regarding the proposed amendments to Chapter 11, city of Round Rock Code of Ordinances (1995 Edition), to amend the application completeness requirements for site plans and variances; to amend notice requirements for the Zoning Board of Adjustment; to rename the Downtown Reinvestment Zone to the Downtown Development Area; to define the Downtown Development Area; to amend the setback requirements for buildings that cross one or more property lot lines and to amend the allowable building square footage for commercial and office uses in the C-2 (Local Commercial) and OF (Office) zoning districts.

Ms. Brennan explained the first proposed amendment would require a pre-application conference for site plan and variance applications, which was inadvertently left out at the time of ordinance adoption. She stated the second proposal is to amend the public notice requirements for the Zoning Board of Adjustment (ZBA). Ms. Brennan indicated the ordinance currently requires both mailed notices and published newspaper notices. She stated because of the fact that ZBA applications are specific to particular tracts of land and affect the interest of abutters rather than the city at large, legal department has recommended the requirement of newspaper notices be eliminated. Ms. Brennan indicated Staff is proposing to change the name of the Downtown Reinvestment Zone to the Downtown Development Area. She stated the Downtown Reinvestment Zone was originally designated in 1995 as part of the City's program that offered tax abatement for new construction and development projects in the downtown area. Ms. Brennan indicated the tax abatement program has since expired, but the area remains important for zoning purposes because of the fact that the City Council has attached several development regulations to it. She stated because of the fact that the term "Reinvestment Zone" has tax implications for State Legislation; the legal department has recommended that the area be renamed in order to avoid potential confusion regarding the area's purpose. Ms. Brennan indicated Staff proposes to add a provision to Section 11.426 of the ordinance that addresses setback requirements for structures built over one or more property lines. She stated setback requirements applicable to the cross property lines would no longer apply. Ms. Brennan indicated this provision is being added to clarify the problem of enforcing setbacks on buildings that straddle property lines; however, setbacks will still apply to the perimeter of the larger lots.

Mr. Burke explained the proposed changes to C-2 and OF changes. He stated when Staff revised the zoning ordinance in 2002, they intentionally included a number of development standards in the C-2 and OF districts to ensure compatibility with nearby residential neighborhoods; however, a few of those are too restrictive and limited to the usefulness of the districts, particularly along arterial roadways. Mr. Burke indicated they have increased the allowable square footage for some uses permitted in the C-2 zone. He stated they have added a new category, called "Arterial", that allows a lot that has primary frontage on an arterial road to be slightly larger. Mr. Burke indicated the other part of the C-2 requirement Staff feels is not applicable to the arterial roadways is the Village Design, which pulls the buildings up to the street and creates a pedestrian-friendly design. He stated Staff believes this is a great idea, but it does

not make sense for developments located along Highway 79 or FM 1460, for example. Mr. Burke indicated Staff feels that drive-through banks are acceptable along arterials, but not necessarily in the residential areas. He stated although normally not allowed, Staff is proposing the allowance of drive-through banks in C-2 districts. Mr. Burke indicated Staff is also proposing changes to setbacks as they relate to height. He stated currently, the C-2 zoning allows a 50-FT setback for both one and two-story structures, and the height restriction is limited by the size of the lot. Mr. Burke indicated Staff would propose having a setback that accounts for the height; in other words, two-story structures would be allowed regardless of lot size, as long as a 100-FT setback was provided between the structure and residential neighborhood. He stated they are applying the same proposal to the Office District, which currently only allows one-story with a 50-FT setback.

Chairman Kosik opened the public hearing. Seeing no one, the public hearing was closed.

8.J. Consider a recommendation to amendments to Chapter 11, city of Round Rock Code of Ordinances (1995 Edition), to amend the application completeness requirements for site plans and variances; to amend notice requirements for the Zoning Board of Adjustment; to rename the Downtown Reinvestment Zone to the Downtown Development Area; to define the Downtown Development Area; to amend the setback requirements for buildings that cross one or more property lot lines and to amend the allowable building square footage for commercial and office uses in the C-2 (Local Commercial) and OF (Office) zoning districts.

Concerning public notices, Commissioner Weeks asked whom notices would go to in the event that the property is being rented.

Ms. Brennan stated notices always go to property owners, and information regarding property owners is obtained through the Williamson County Tax Roll.

Commissioner Pavliska indicated the tax-roll is normally 6 months behind in property owner updates.

Mr. Stendebach recognized Commissioner Pavliska's concern and indicated State Law dictates that notices be sent to the last owner on record.

Commissioner Quick pointed out a typographical error on page 12, which should read “northern” as opposed to “northen”.

Chairman Kosik indicated on the same page (12), a statement should be added clarifying the location of the Downtown Development Area. He stated he believes the proposed changes are good.

Motion: Motion by Commissioner Boles, second by Commissioner Weeks to approve a recommendation to amendments to Chapter 11, city of Round Rock Code of Ordinances (1995 Edition), to amend the application completeness requirements for site plans and variances; to amend notice requirements for the Zoning Board of Adjustment; to rename the Downtown Reinvestment Zone to the Downtown Development Area; to define the Downtown Development Area; to amend the setback requirements for buildings that cross one or more property lot lines and to amend the allowable building square footage for commercial and office uses in the C-2 (Local Commercial) and OF (Office) zoning districts.

Vote: AYE: Commissioner Boles, Commissioner Weeks, Commissioner Arnold, Commissioner Quick, Commissioner Thibodaux, Commissioner Austin, Commissioner Pavliska, Vice Chairman Drapes, Chairman Kosik. The vote was 9-0. The motion carried.

9. ADJOURN

There being no further discussion, the meeting adjourned at 10:15 p.m.

Respectfully Submitted,

Amy Swaim

Administrative Technician